

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

July 8, 2021
9:32 a.m.

Gotowebinar.com
Phoenix, Arizona

MEMBERS PRESENT:

Mr. Greg Arnett, Chairman
Mr. Jay Swart, Vice Chairman
Mr. Matt Gress (arrived at 9:34 a.m.)
Mr. Erik Hernandez
Mr. Jimmy Lindblom
Ms. Kate McGee
Mr. Lucas Schlosser

MEMBERS ABSENT:

Mr. Kevin Danzeisen
Ms. Francisca Montoya

STAFF PRESENT:

Mr. Tom Ellsworth, Planning & Development Director
Mr. Darren Gérard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner
Mr. Sean Watkins, Planner
Mr. Jose Castañeda, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Ms. Betsy Pregulman, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Erin Novotny, Management Assistant

CONSENT:

Z2021035, CPA2021001, Z2021001, Z2019087, S2020007

REGULAR:

Z2021021, Z2021044

Chairman Arnett made the standard announcements, and asked if there were any changes or comments to the minutes for May 13, 2021. None.

COMMISSION ACTION: Chairman Arnett approved the May 13, 2021 minutes as written.

Mr. Gerard introduced the new Planning and Development Director, Mr. Tom Ellsworth.

CONSENT AGENDA

Zoning - Z2021035 (Cont. from 6/17/21)

District 5

Project name: **55th & Baseline**

Applicant: Heather Personne, Evolve Ventures

Request: Zone change from Rural-43 to C-2
Location: Generally located at the SWC and SEC of 56th Ave. and Baseline Rd. in the Laveen area

Comprehensive Plan Amendment - CPA2021001

District 4

Project name: **ASLD – 117th Ave. & Williams Rd.**
Applicant: Rose Law Group PC
Request: General Comprehensive Plan Amendment (CPA) to change the land use designation in the White Tank/Grand Avenue Area Plan from Mixed Use Employment to Single-Family Transitional Lot (3-5 d.u./acre) on approx. 52 acres
Location: Generally located approx. 595' northeast of the intersection of Pinnacle Peak Rd. and 117th Ave. in the Peoria area.

Zoning - Z2021001

District 4

Project name: **ASLD – 117th Ave. & Williams Rd.**
Applicant: Rose Law Group PC
Request: Zone Change with Overlay from Rural-43 to R1-6 RUPD on approx. 198.6 acres
Location: Generally located approx. 18' east of the intersection of Pinnacle Peak Rd. and 117th Ave. in the Peoria area

Zoning - Z2019087

District 4

Project name: **NEC Bethany Home & Citrus**
Applicant: Earl and Curley, P.C.
Request: Zone Change with Overlay from Rural-43 to R1-10 RUPD and R1-18 RUPD zoning districts.
Location: Generally located at the NEC of Citrus Rd. and Bethany Home Rd. in the Glendale area

Preliminary Plat - S2020007

District 4

Project name: **Citrus and Rose Lane**
Applicant: Earl and Curley, P.C.
Request: Preliminary Plat for 82-lot single-family residential subdivision within the R1-10 RUPD and R1-18 RUPD zoning districts
Location: Generally located at the NEC of Citrus Rd. and Bethany Home Rd. in the Glendale area

Mr. Gerard presented the consent agenda.

COMMISSION ACTION: Commissioner Lindblom motioned to approve the consent agenda Z2021035 with conditions 'a'-'g', CPA2021001 with conditions 'a'-'d', Z2021001 with conditions 'a'-'m', Z2019087 with conditions 'a'-'p', and S2020007 with conditions 'a'-'m'. Vice Chair Swart second. Approved 7-0.

Z2021035 conditions;

- a. Development of the site shall be in substantial conformance with the Narrative Report consisting of 6 pages, dated May 7, 2021, and stamped received May 19, 2021, except as modified by the following conditions.
- b. The following Planning Engineering conditions shall apply:
 - 1. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to number of proposed building lots/units, drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
 - 2. A traffic impact study must be submitted with future entitlement (preliminary plat or POD) application(s).
 - 3. R/W dedication along the development site's Baseline Road frontage may be required as part of any future entitlement application(s). Coordinate dedication with the City of Phoenix.
 - 4. Engineering review of re-zone cases is conceptual in nature. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- c. Administrative approval of a Plan of Development will be required prior to approval and issuance of construction permits to develop and establish use of the site. Prior to issuance of a building permit, written confirmation will be required from the emergency fire protection jurisdiction having authority that the facility has been designed in accordance with their regulations and requirements, and that emergency fire protection service will be provided to the facility. Prior to issuance of the certificate of occupancy, local fire protection jurisdiction review and approval will be required.
- d. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- e. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert

to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

- g. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time the initial construction permit for each phase must be obtained.

CPA2021001 conditions;

- a. Development of the site shall comply with the Legal Description entitled "Arizona State Land Zoning Parcel", consisting of 2 pages, dated March 22, 2021, and stamped received May 5, 2021, except as modified by the following conditions.
- b. Development and use of the site shall be in substantial conformance with the Narrative Report entitled "ASLD – 117th Avenue and Williams Road", consisting of 18 pages, dated June 3, 2021, and stamped received June 3, 2021, except as modified by the following conditions.
- c. Development and use the site shall be in general conformance with the land use exhibit entitled "ASLD-MC-117th Ave & Williams Dr" dated March 12, 2021 and stamped received May 5, 2021, except as modified by the following conditions.
- d. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of the application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of the application. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in the value of the property from the value it held on the date of application due to such revocation. The Comprehensive Plan Amendment enhances the value of the property above its value as of the date the Comprehensive Plan Amendment is granted and changing to the prior land use designation results in the same value of the property as if the Comprehensive Plan Amendment had never been granted.

Z2021001 conditions;

- a. Development of the site shall comply with the Zoning Exhibit entitled "Arizona State Land Property", consisting of 40 pages, dated December 20, 2019, and stamped received May 5, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "ASLD – 117th Avenue and Williams Road", consisting of 44 pages, dated revised June 28, 2021, and stamped received June 28, 2021, except as modified by the following conditions.
- c. The following R1-6 RUPD Zoning District standards shall apply:
 - 1. Min. Front Yard: 10'
 - 2. Min. Rear Yard: 15'
 - 3. Min. Lot Area: 5,175 sq. ft.
 - 4. Min. Lot Width: 45'
 - 5. Min. Lot Area Per Dwelling Unit: 5,175 sq. ft.
 - 6. Max. Lot Coverage: 55%
- d. The number of total dwelling units permitted shall not exceed 770 dwelling units.
- e. The developer shall provide 15% open space appropriately dispersed throughout the boundaries of the subdivision which may consist of retention, drainage areas, and passive and active recreational spaces.
- f. The following Planning Engineering conditions shall apply:
 - 1. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to number of proposed building lots/units, drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
 - 2. A traffic impact study (TIS) must be submitted with future entitlement (preliminary plat or POD) application(s) as is required by MCDOT. The TIS must also be submitted to the City of Surprise for their review.
 - 3. Any approval and progression in the entitlement process may be contingent on the progression of MCDOT TIP TT0248 which includes extension of Williams Drive across the Agua Fria River to Deer Valley Road which extends through the site.
 - 4. The only access that will be allowed for the Williams Drive/Deer Valley Road

alignment will be at one location along Parcel G as a right-in right-out. A second access point for Parcel G will be needed along the 117th Avenue alignment.

5. Future right-of-way dedications, offsite improvements, and any additional right-of-way needed shall be addressed by future entitlement (preliminary plat or POD) application(s) and submittal of a traffic impact study (TIS)".
 6. R/W dedication (130 feet)) along the development site's portion of Pinnacle Peak Road will be required as part of any future entitlement application(s), unless otherwise determined by MCDOT Planning.
 7. Engineering review of re-zone cases is conceptual in nature. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
 - h. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
 - i. Prior to zoning clearance or Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the applicable fire service provider.
 - j. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
 - k. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
 - l. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa

County may be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.

- m. The granting of this Zone Change has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of the application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of the application. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in the value of the property from the value it held on the date of application due to such revocation. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and changing to the prior land use designation results in the same value of the property as if the Zone Change had never been granted.

Z2019087 conditions;

- a. Development of the site shall comply with the Zoning Exhibit entitled "Z2019087 – Zoning Exhibit", consisting of 1 page, dated stamped received on June 28, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Citrus and Rose Lane", consisting of 8 pages, dated stamped received on June 28, 2021, except as modified by the following conditions.
- c. The following R1-18 RUPD zoning district standards shall apply:
 - 1. Max. Height: 30'
 - 2. Min. Front Yard: Setback 18'
 - 3. Min. Side Yard Setback: 5'
 - 4. Min. Street Side Yard Setback: 10'
 - 5. Min. Rear Yard Setback: 20'
 - 6. Min. Lot Area: 17,700 sq. ft.
 - 7. Min. Lot Width: 80'
 - 8. Min. Lot Area Per Dwelling Unit: 18,000 sq. ft.
 - 9. Max. Lot Coverage: 50%
 - 10. Min. Parking Spaces: 2/lot
 - 11. Std. Wall Height/Rt. Wall Height: 6'/3'
- d. The following R1-10 RUPD zoning district standards shall apply:
 - 1. Max. Height: 30'
 - 2. Min. Front Yard: Setback 18'
 - 3. Min. Side Yard Setback: 5'

4. Min. Street Side Yard Setback: 10'
5. Min. Rear Yard Setback: 20'
6. Min. Lot Area: 10,000 sq. ft.
7. Min. Lot Width: 80'
8. Min. Lot Area Per Dwelling Unit: 10,000 sq. ft.
9. Max. Lot Coverage: 50%
10. Min. Parking Spaces: 2/lot
11. Std. Wall Height/Rt. Wall Height: 6'/3'

e. The following Planning Engineering conditions shall apply:

1. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
2. A traffic impact study must be submitted with the preliminary plat application.
3. Dedication of right-of-way along the following roadway alignments will be required as part of subdivision plat:

Citrus Road: 10 feet (to provide a total width of 65 feet); and
Bethany Home Road: 25 feet (to provide a total width of 65 feet)

Note that the above widths are considered minimum widths. Additional dedication may be required pending improvements that may be required by the MCDOT approved Traffic Impact Study.
4. The applicant shall contact County Real Estate to formally abandon the 30' foot R/W shown along the Rose Lane alignment.
5. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.

f. The following Environmental Services (MCESD) condition shall apply:

1. Obtain new Notice of Intent to Discharge (NOID) from MCESD program. Water service information to be provided.

g. Prior to approval of the initial final plat or precise plan of development approval, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service

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agreement with the City of Glendale that identifies the details for the provision of water and sewer service. In lieu of a pre-annexation service agreement, the developer must provide a 'will serve' letter from the certificated water and sewer provider(s). Otherwise, documentation to be provided from the City of Glendale stating that this type of agreement would no longer be required.

- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- j. Prior to zoning clearance or Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the applicable fire service provider.
- k. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- l. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- o. The granting of this Zone Change has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of the application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of the application. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property

and that there would be no diminution in the value of the property from the value it held on the date of application due to such revocation. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and changing to the prior land use designation results in the same value of the property as if the Zone Change had never been granted.

- p. The following Luke Air Force Base condition shall apply:

Thomas E Russell Revocable Trust and successive owners shall notify future owners/tenants that they are located near a military airport with the following language:

"You are locating in a residential dwelling inside the State Statute defined "territory in the vicinity of a military airport," which means that aircraft flying in this area are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be permanently posted on not less than a 3 foot by 5 foot sign in front of all sales and/or leasing offices and be permanently posted on the front door of all sales and/or leasing offices on not less than 8½ inch by 11 inch sign.

S2020007 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Citrus and Rose Lane" consisting of 5 full-size sheets, dated stamped received on June 29, 2021, except as modified by the following conditions.
- b. Development and use of the site shall in substantial conformance with the Narrative Report entitled "Citrus and Rose Lane", consisting of 6 pages, dated stamped received on May 19, 2021, except as modified by the following conditions.

- c. The following Engineering conditions shall apply:
1. Rose Lane shall be abandoned as part of the Final Plat.
 2. At the time of final design, each retention basin drainage area shall be broken down to indicate the area of R1-18 Lots (Lots 1-16), R1-10 Lots, Tracts/Basins and ROW.
 3. Prior to submission of plans for building permits, certification of the topographic information/conditions will be required.
 4. In addition to the ultimate half-width improvements along Bethany Home Road and Citrus Road, left turn lanes with a minimum storage length of 160 feet shall be provided at both site accesses.
 5. Scuppers at the low end of valley gutters at roadway sump locations are required. Otherwise, the drainage system must be comprised of catch basins on both sides of the street connected by a storm drain.
 6. The final design shall include adjustments of the ADA ramp locations at T- intersections to provide 1 dual ramp, 1 single ramp and 1 mid-block ramp (across from the dual ramp).
 7. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
 8. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of building lots may be necessitated by the final engineering design of the subdivision drainage infrastructure.
 9. Detailed Grading and Drainage (Infrastructure) Plans must be submitted with the application for Final Plat Approval and Building Permits.
- d. Prior to Final Plat and Infrastructure Permit submittal, the applicant is required to attend a pre-submittal meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with the subdivision. Intake of the Final Plat and Infrastructure permit shall be by appointment only.
- e. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.

- f. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- g. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- h. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the applicable Fire District servicing the project. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.
- i. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

For further information, please check the Luke Air Force Base website or contact the Maricopa County Planning and Development Department."

- j. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- k. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- l. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- m. The Final Plat shall include a note that states that there shall be no further division of land or parcels within the area of this subdivision plat without approval by the Board of Supervisors.

REGULAR AGENDA

Zoning - Z2021021

District 4

Project name: **Complete Animal Hospital**
Applicant: Ron Hecht, Valley Architecture, Inc.
Request: Zone change from Rural-43 to C-2 CUPD
Location: Generally located on the NWC of Jackrabbit Trail and Pierson St., in the Buckeye area

Mr. Castañeda presented Z2021021 and noted the applicant is requesting a zone change from Rural-43 to C-2 CUPD to have a single-story veterinary hospital that provides veterinary services for domesticated animals. The applicant has applied for the CUPD overlay to restrict the use of the site specifically to the proposed veterinary hospital with no other changes in development standards. There are no violations on the property and staff received three letters in opposition from residents in the area. Some of the concerns are property values in the area, and the project is out of character with the surrounding area. Since the publishing of the staff report, staff received an additional 12 letters of opposition representing 15 individuals. The applicant has agreed to limit the use of the site to serve domesticated animals with no services for livestock provided on site. The boarding for animals will be limited to those in for observation and will be indoors. They also agreed to make improvements to a portion of Pierson Street, and to provide block wall screening where adjacent to residential. Staff is recommending approval.

Chairman Arnett asked why the C-2 zoning because the hospital is a more aggressive use. Mr. Castañeda said this is going to be an animal hospital so there will be intensive services other than a typical kenneling. The applicant stipulated there would not be livestock on the site just your typical domesticated animals.

Mr. Ron Hecht, the architect said this would be a full service veterinary office, but not an emergency office. The design of the site is based on entering onto Pierson Street, since we are not allowed to enter on Jackrabbit Trail. The site is oriented to the south side of the lot. The building will have a Spanish Villa look and be between 3,000 and 3,500 square feet and will have a residential feel and the design to be residential in character as we can. We are adding a garage because it will be safer when the veterinarian works late at night. There will be a backyard to walk the animals individually and eight kennels inside for the animals being treated on site. There will be a parking lot with 18 parking spaces and 2 ADA parking spaces, and a monument facing Jackrabbit Trail.

Chairman Arnett asked where the closest commercial property is to this site, and how this blends in with the neighborhood. Mr. Hecht said the nearest commercial is at Indian School south of Camelback, it is a retail development and it's not conducive to have a veterinary office in there. This will be a low volume use and should not have a huge impact on the neighborhood.

Commissioner Gress asked why the entry for the hospital to be on Pierson Street. Mr. Hecht said Jackrabbit Trail is a two-lane road right now, and part of the rezoning they are required to dedicate 65 feet of the east side of the site to the roadway. The roadway will be widened in the future. They did not want access off of Jackrabbit, and the requirement was to access the site from Pierson Street. They are also limited to one driveway, since we could only have a driveway 200 feet from the corner and that put us back to the west side of the site.

Mr. Jake Stephens said he owns the property on the west side, and he is opposed to the project. Pierson Street is a dirt road and you have to cross a drainage wash just to enter the road. This is a terrible site. The neighbor across the street that recently purchased the property wants to build a custom home there. These are million dollar homes in this neighborhood and this project will devalue their properties. He is a long time Arizona native and farmer. He moved to the area for peace and quiet. He does not want to hear dogs barking and see a 15-car parking lot adjacent to his property. None of the neighbors wants this.

Mr. Arthur Dos Santos said he lives north of this proposed project. A mile south from this site is a commercial development with a vet clinic going in there. Every vet he has used has been in a commercial type setting and he's not sure why this one has to be any different. He is concerned what might go next to this, because once you open the door to commercial then there is a possibility for another commercial business to come in. The reason she wants to build in this area is because residential property is cheaper than commercial and they want to save money. This will devalue our property and change the makeup of the neighborhood.

Ms. Rebekah Stansbury said on July 21, 2019 the property owner made a post on her Facebook page with her entire intention of purchasing these three acres in a residential area because she wants her home and veterinary office in the same location, and to have a garage and the office to look like residential. There is already a brand new animal hospital being built on the southeast corner on Indian School and Jackrabbit Trail, which is just one mile down the road.

Mr. James Dionne said he and all his neighbors are opposed to this for similar reasons from the other speakers. We do not need this in our neighborhood and another hospital is already being built nearby. We do not need the additional traffic, and Pierson Street does get flooded and could be impossible to drive through at times.

Ms. Julie Lauderdale said she just purchased her home in this quiet neighborhood. She is mortified this zoning change is in the works, and she is extremely concerned about traffic, noise and drainage. This will also create a Pandora's Box of undesirable businesses. In the event this vet would go out of business, this could allow for potential bars, marijuana dispensaries or automobile shops. This would contribute to an overall unhealthy and undesirable environment for children and families in our neighborhood. This veterinary hospital would be better suited at Jackrabbit and Indian School.

Chairman Arnett said he believes this is stipulated to this one specific use. Mr. Castañeda said that is correct. The CUPD overlay is being applied to restrict the use of the site for a veterinary hospital to serve small-domesticated animals.

Commissioner McGee said the opposition cited the fact there would be a residential property built on this site, and asked if staff has taken into consideration or how does that fit into the land use proposed. Mr. Castañeda said the residential was not a part of this submittal or proposed on this site. Possibly the applicant can clarify.

Commissioner McGee asked would she have to come back for another approval or could she build a residence there. Mr. Gerard said when they come in for a Plan of Development there are only certain uses that are permitted as the primary use. They could have a caretaker residence ancillary to the business.

Chairman Arnett asked if they did do a residence on this property is it possible under C-2 zoning. Mr. Gerard said in unincorporated Maricopa County if you have C-2 zoning you can have a single-family residence. The uses for residential roll up to Commercial and those uses roll up to Industrial. In this instance, the CUPD overlay will be limiting the entitled uses normally permitted in C-2. It would have to be a caretaker's residence, manager or operator's residence. It could not be a standalone single-family residence or apartments based upon the way the C-2 CUPD proposed. The primary use is limited to the veterinary hospital, which requires commercial zoning, but there could be a proprietor residence accessory to that business.

Commissioner Gress asked if the entire property is being zoned commercial. Mr. Castañeda said that is correct.

Commissioner Gress asked could the owner be able to build a single-family residence in the open space next to the hospital and would it meet the requirements of the proposed zoning. Mr. Gerard said yes, a proprietor's residence could be built there. That would be a permitted accessory use.

Commissioner Gress asked is it possible the hospital could be expanded into the open area if later the business is booming. Mr. Gerard said today we are looking at the zoning only. Subsequently there would be a Plan of Development, and what is before you is for

informational purposes. Once the zoning is approved it would permit what is before you and it could permit a larger facility as well because the zoning will apply to that entire parcel.

Mr. Juan Guerrero said he just purchased a five-acre lot in front of the proposed site to build their dream home. You have beautiful homes along Pierson Street and that is the reason they picked this land. When he goes outside every morning he doesn't want see vehicles parked in front of the hospital. He has grandkids that will be playing outside. He is building a 1.2 million dollar home and this will depreciate everything. A mile away there are many retail properties they could build. It is not fair when we have such an investment in our dream home, then to have to look at a business every day. He is opposed to this commercial zoning.

Ms. Catherine Achey said the only way to get to her property is through Pierson Street. The traffic is already bad trying to get off Pierson right now, and we do not need a commercial property out here. There are only two residential properties left in this area and she would hate to see one be zoned for commercial. There is no need for another veterinary hospital to come in and depreciate our properties. She is tremendously opposed to this.

Mr. Jacob Krause said he lives 350 feet away from the proposed site. They moved to this location for medical reason, their son is extremely autistic. They moved from Goodyear to escape the local commercial properties that were near their home. This would greatly affect his son's development, and they would hate to move out of this beautiful neighborhood.

Ms. Julia Acosta said she lives across the street from this property, and she is opposed to having a commercial building in a residential area. Our homes are of very high value and this would only bring down their property values. There is no reason for the community to be tarnished when there is commercial development a mile up the street. They already have a lot of traffic with all the new development in the area, and she is strongly opposed because it will destroy their peaceful living.

Commissioner Gress asked could she sell this commercially zoned lot to another enterprise and can they make this something else within the C-2 zoning or does the zoning remain. Mr. Castañeda said if the property was sold it would be zoned with its limitations, as a small animal veterinary clinic.

Ms. Nancy Buczek, the applicant said she has been a veterinarian for 20 years, and she has owned her current business in a shopping center for 9 years. Her philosophy is a small town veterinarian where she provides maximum interaction and contacts her clients after hours. She is a one doctor practice and has no intentions to be a large high volume practice. She is a small practice with six staff members some full time and part time. She understands the concerns and noted we are not a boarding kennel and not a doggie daycare, and don't have a lot of animals boarding. Some of the animals are boarded during the day for blood work, testing or x-rays. It will not be noisy or loud. She has no reason to live on this site because she has another lot she purchased many years ago a half mile from Pierson Street and Jackrabbit Trail. It's not developed yet since her current

business is close to her current house. It is not uncommon for her to come in after hours to check in on a patient. That is her reason for having a garage so that she park her car in the garage and it won't be known she's there at two o' clock in the morning. The area is expanding and a lot of her clients are actually closer to the Jackrabbit and Pierson location. In her current location she cannot reserve close parking places for her clients and pets. It is a difficult situation especially in the hot weather where the animal's feet can be burned on the scorching hot pavement. The noise from the other businesses doesn't allow for a peaceful euthanasia experience for her patients and family during an emotional time. She has issues with trash from the adjacent restaurant and is worried about animals picking up chicken bones or various food items. This is why she is looking for her own place where she can control these situations. Jackrabbit will be a four lane road and it will not remain a small street. Her business will be quiet, with minimal traffic since she doesn't see a lot of patients each day other than alternative options that could be developed in the future. She is not out to destroy the beautiful aesthetics of the neighborhood, she is trying to choose a commercial building that doesn't look commercial and to blend in with the houses in the area.

Chairman Arnett asked if she thought of zoning the corner and not the entire parcel. Ms. Buczek said she will lose a ½ acre strip when Jackrabbit Trail is expanded. In the future she would have the opportunity to expand if she needs to at some point, but she is fine with just leaving it open. When looking for commercial lots they are usually 20 acres or more, and she has looked for a long time for a 1 or 1-1/2 acre commercial lot.

Chairman Arnett asked if anyone else from the public wished to speak. None.

Commissioner Gress said the proposed plan does not fit with the neighborhood and the residential feel. The opposition shared concerns of property values and that is something we take into account for any resident in Maricopa County regardless of their wealth. He doesn't think this is the right place for commercial property. He does not support this rezone request.

Commissioner Hernandez said there's commercial spaces a half mile south dedicated to this kind of use. This is a rural area with high end homes and he doesn't think this fits the area.

Commissioner Lindblom said he is familiar with this area. He doesn't think it would change the neighborhood with noise and traffic, and if there was no parking spaces in the front of the building it would look and feel like a house. But this could change the predominately residential area, and he doesn't support this zone change request.

Commissioner Schlosser said he lives close to this area and he is familiar with the neighborhood. The opposition comments are a hundred percent accurate, and he echoes the comments from the other commissioners. He commends the applicant for her intentions, but he opposes this application.

Vice Chair Swart said he disagrees with the traffic engineers that said enter off that dirt road. While listening to the opposition he agrees with each speaker and also agrees with

his fellow commissioners, this is not an appropriate use. Not only does it harm property values but day-to-day life. He is strongly opposed to this case.

Chairman Arnett said the use is okay and there is probably a need, but zoning this to C-2 changes this area. Those in opposition want a neighbor not a business next to them, and even though it could look like a house, it's not a neighbor.

COMMISSION ACTION: Commissioner Schlosser motioned to deny Z2021021. Commissioner Hernandez second. 7-0.

Special Use Permit - Z2021044

District 3

Project name: **Vertical Bridge/T-Mobile AZ-5068**
Applicant: Gary Cassel, Clear Blue Services
Request: Special Use Permit for a new wireless communication facility in the Rural-43 RUPD zoning district
Location: Approx. 750 ft. southeast of the SEC of 7th Ave. and Desert Hills Dr. in the New River area

Mr. Watkins presented Z2021044 and noted the 80 foot tower would be in a new 30'x35' compound. The tower will be painted brown and the compound will be enclosed by a 10 ft. tall CMU wall. The T-Mobile wireless level of service in the area is characterized by full-strength signal for calls made outdoors, but inside most calls would be blocked or dropped. The signal strength is improved with the 65 ft. tall tower; however, the 80 foot tower provides the strongest signal coverage. The SUP includes three development standard modification requests, the proposed 80 ft. setback from the west and north and 140 ft. setback from the east subject property boundary to the tower, where 160 ft. setback is required. The proposed antenna array is 13 ft. in diameter where 8 ft. is the maximum diameter allowed. Eliminating two Sight Visibility Triangles (SVTs) that would be required with driveway meets the public street. The applicant complied with the citizen review process including site postings and notifications. As of this morning staff is aware of 89 opposing parties. One of the opposition lives within 300 feet of subject site. The applicant held a public meeting on June 1, 2021 with 19 attendees. Meeting announcements were sent to more than 200 addresses in the area. Staff believes the SUP request is reasonable and necessary to maintain and expand cell phone service in the area. Local jurisdiction cannot by statute regulate aspects of wireless communication facilities, they are already regulated by federal communication regulations. Staff recommends approval subject to conditions 'a' – 'i'.

Mr. Gary Cassel with Clear Blue Services said this will be a 30' x 35' walled compound, and it was going to be an 8' wall but the community requested it to be 10' high. The pole and the compound wall will be in the same texture and painted brown in color, since the corten steel could bleed onto the equipment. He had a ½ mile radius to find the right location in order for the 5G system to work within the framework that is already there. Most of the other properties had washes and it can't be that close to the washes, so they had to find a place away from residents and the washes. They had a community meeting with 19 attendees and they answered their questions and concerns. After the meeting he sent out a re-cap of all the questions, concerns and answers that were discussed to help them understand. They outreached Ed Taylor with the New River / Desert Hills HOA and a notice went out to 540 addresses to deliver as much information as they could.

They took in consideration to what kind of coverage is there now, and this is a mandate from the FCC. Sprint was bought by T-Mobile and all the people with Sprint and T-Mobile phones are affected the same way. There is a real need to have the improvements in that area for every reason like 911 calls and blocked calls. You have to go outside to actually get an emergency phone call made or it won't go through. With a 65 foot pole we don't have anywhere near the capability, and it starts to fail the 5G networking system. The 5G system gives T-Mobile and Sprint the opportunity to connect up so there isn't a disconnection, and causes a lesser power amount from each one of those sites. Out of all the different types of radio frequency people use on a daily basis, this tower would have the least amount of radio frequency emissions. The public had concerns of the wall and pole height, and the corten color.

Mr. Lincoln Hunter said he lives across the street from the proposed site, and nobody wants to stare at an 80 foot tall eyesore. It has little to do with the color or the height of the wall. Nobody wants this. Our cell phones work just fine out here we can make and receive calls without a problem. They are just trying to bring in more towers for the 5G network. It is more like an optional thing and our choice is we don't want this tower here because it is not necessary.

Ms. Renee Lincoln said she is concerned with their property values, and nobody wants to look out the window and see an 80 feet cell tower. Also concerned about health issues. Not enough studies have been done for long term 5G health effects for animals and people.

Mr. Keith Paffrath said he lives a few hundred yards north of the proposed cell tower. There is nothing in their community that is 80 foot tall, and it would make it the tallest structure in the Desert Hills / Cave Creek area. There is no need for it. The applicant wants it taller with more antennas so they can add other cell companies to increase their profit while exposing the community to 5G waves. That property was zoned to be residential several years ago and it is a matter of time for homes to come in. This would make them less desirable because of the proximity of this 80 foot tower. There is an entire Carefree Highway corridor these companies can look at where they are commercially zoned, and we do not need this in our community.

Mr. David Packman said he echoes the previous speakers' comments with the property value issues and health issues. Where they want to place this tower is literally in the back yard of one of the residents. He lives east of the property and is one of the closest people to it. He doesn't think this is the best option for this tower and they can find someplace else for it. If they get one of these to go up it will set a precedent and other will spring up.

Ms. Amanda Rokofsky said she moved on her property in February and it was unknown to them that this tower was going to be built. She has issues with the 80 foot tower that they would have to look at every day. She never received any information for a second community meeting. They moved out of the city to live healthy and get away from all of this with their livestock and kids. Her family would feel betrayed if this gets approved. There many other places this could go than 284 feet from her property.

Mr. Steven Zimpelman said 500 people signed a petition to stop this, and nobody wants this. There were low numbers at the meeting because of COVID and nobody wanted to be exposed especially the elderly in our community. The pole is within 100 feet of a few of the closest houses and within a few hundred feet of his house. Nobody cares about the paint color, we don't want an 80 foot tower which would be the tallest structure in the neighborhood. People moved out here to get away from everything, to have some land, nice views, and not have an 80 foot tower right out your door.

Mr. Alan Muller said he is a community leader and he was the president of the HOA until mid-2019. He asked a few neighbors to collect signatures for the petition requesting denial of the SUP, and sent letters to the residents of the surrounding community. When he was a Planning and Zoning commissioner he assisted in updating the Wireless Communication Facilities (WCF), there was no by-right. Maricopa County maintains zoning in order to protect its unincorporated communities. The array antenna limited to 8 feet and for every foot up there must be two feet out to the property line. Lighting must be inside the compound and shielded to protect the dark sky ordinance. The standards in 1202.2.6 in the zoning ordinance regarding height, diameter and concealment elements to ensure structures do not have an adverse visual impact or harm public welfare. T-Mobile is attempting to erect a WCF in our area without consideration of the community by not complying with county zoning. We have two of the three major carriers servicing Desert Hills and the 5G Verizon tower down the street does not have a 15 foot array. He requests the Planning and Zoning Commission and the Board of Supervisors deny this SUP.

Commissioner Gress asked if the poles were 65 feet would that satisfy the community? Mr. Muller said the height is the biggest issue. Two miles away is a 65 foot AT&T pole made out of the corten material with no problems. Sixty-five feet is a good negotiating term, except the salesman did not want to negotiate anything.

Commissioner Gress asked was the public participation consistent from what you've seen in the past. Mr. Muller said the mailing went out, but the 530 e-mails did not go out to everybody in our area. They considered mostly the New River area, not the Desert Hills area. The amount of people that attended the meeting is common plus with COVID and others that are handicapped.

Commissioner McGee asked if he did in fact offer a compromise solution of the corten steel and the 65 feet as opposed to the 80 foot. Mr. Muller said that is correct and they didn't want to listen to it.

Commissioner McGee said she is opposed to the project as it has been presented. She would consider the compromise but she would rather start with a no. She also has significant process concerns related to the request.

Ms. Amanda Rakofsky said when the posting signs were first placed facing east, and unless you were coming to her house for dinner or a visit you would not see the notification. The second one was placed at the site hidden by brush and trees, and it wasn't moved to Desert Hills until she notified them. Some people still couldn't see it because it was angled east. The notifications have been a struggle from the beginning.

Chairman Arnett asked was this noticed properly per the Maricopa County guidelines. Mr. Watkins said yes it was posted and notified according to the rules. The requirements are every site should be posted every quarter mile on its frontage. This property is tucked away, and one sign was on the site and a second sign was posted in Desert Hills. We put it up there to overcome the shortcomings of the property in terms of posting notification. Pretty quickly after the first submittal of the project it was done at staff's request, and the applicant had to work with MCDOT to get a permit to place it there.

Mr. Cassel said we have Sprint and T-Mobile involved and they have different radio equipment and we are trying to make that into one antenna structure. The antennas as large as they are cannot be close together or they cause a cross-talk and the new 5G system requires a greater distance than what is allowed by the county. We are asking for an exception on the basis of that. The lights only come on when a technician is there, and the location of the light is lower than the 10 foot wall, and it would only light up within the framework of the compound. They only visit the site once a month. There won't be interference since they are specific radio frequencies, and not much of a possibility for anything else to affect it.

Chairman Arnett asked if anyone else from the public wished to speak. None.

Vice Chair Swart said he knows a lot of about this topic and he read an extensive article about a race for 5G. He is offended the presenter alleged people can't call 911, which is not true. Others said they have plenty of cell phone coverage. He does not support this nor a 65 foot pole. This is an egregious misuse of this piece of land.

Commissioner McGee said this is in the middle of the desert and there is a lot of development yet to come. They were offered a reasonable compromise and the community were not heard. She believes this needs to be denied.

COMMISSION ACTION: Commissioner Gress motioned to deny Z2021044. Commissioner McGee second. Denied 7-0.

Chairman Arnett adjourned the meeting at 12:08 p.m.

Prepared by Rosalie Pinney
Recording Secretary
July 8, 2021